

FEDERAL COMMUNICATIONS COMMISSION  
Washington, D. C. 20554

TOM PUTMAN  
R&ROG

OFFICE OF  
MANAGING DIRECTOR

January 4, 2005

George A. Mattmiller, Jr.  
Acting President  
Reading Broadcasting, Inc.  
1729 North 11th Street  
Reading, PA 19604

Re: Reading Broadcasting, Inc.  
Station WTVE-DT, Reading, PA  
FY 2004 Regulatory Fee Waiver Request  
Fee Control No. 00000RROG-04-078

Dear Mr. Mattmiller:

This is in response to your request dated August 11, 2004, for a waiver of the \$17,775.00 regulatory fees for Fiscal Year (FY) 2004, filed on behalf of Reading Broadcasting, Inc. (RBI), licensee of commercial television station WTVE(TV) and Digital Television Station WTVE-DT, Reading, Pennsylvania on the basis of financial hardship. Our records reflect that you have not paid the regulatory fees at issue here.

You recite that RBI "has suffered severe losses" and "had a negative net worth" at the end of 2003. You state that RBI "is beset with substantial debt arising from civil litigation as well as a decade-long comparative renewal proceeding, which only ended several months ago." In support, you submit a document entitled "Reading Broadcasting, Inc.: Statement of Income [for Calendar Years 2002 and 2003]" (*Statement of Income*). In a subsequent communication, you provide information regarding the amount of compensation paid to RBI's principals, officers, and employees. You also explain that the amount associated with the line item for "Employee Benefits" on the *Statement of Income* involved expenses for employee picnics, parties, lunches, and outings, and although "it is difficult to determine how much of this went to [RBI's principals and officers,] . . . [i]t is safe to say that they shared in these benefits on a per capita basis with the other 24 . . . employees."

In establishing a regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. The Commission therefore decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of

Mr. George A. Mattmiller, Jr.

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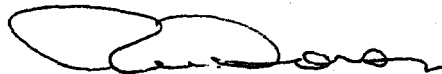
financial hardship." See *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994), *recon. granted*, 10 FCC Rcd 12759 (1995). In reviewing a showing of financial hardship, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits, and considers whether the station lacks sufficient funds to pay the regulatory fee and maintain service to the public. Thus, even if a station loses money, any funds paid to principals, deductions for depreciation or similar items are considered funds available to pay the fees.

Our review of the record, including RBI's *Statement of Income*, indicates that RBI suffered a financial loss in the 2003 calendar year, which was only partially offset by depreciation and amortization, and payroll expenses attributable to its principals and officers. Given that RBI suffered a financial loss in calendar year 2003, we grant your request for a waiver of the regulatory fees for FY 2004.<sup>1</sup>

You have also requested confidential treatment of the material that you submitted with your request for fee relief. Pursuant to section 0.459(d)(1) of the Commission's rules, 47 C.F.R. §0.459(d)(1), we do not routinely rule on requests for confidential treatment until we receive a request for access to the records. The records are treated confidentially in the meantime. If a request for access to the information submitted in conjunction with your regulatory fee is received, you will be notified and afforded the opportunity to respond at that time.

If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer

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<sup>1</sup> Because we grant RBI's request for waiver of the regulatory fees based on financial hardship, the additional grounds you raise in support of the waiver request are moot.



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Internal Revenue Service  
District Director

Department of the Treasury  
SF:20:30-2889

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Date:

APR 9 1980

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FINANCIAL OPERATIONS  
CENTER

Our Letter Dated:

July 31, 1978

Person to Contact:

Michael Oldfield

Contact Telephone Number:

(415) 556-1585

▷ Radio Bilingue, Inc.  
P. O. Box 12682  
Fresno, CA 93778

This modifies our letter of the above date in which we stated that you would be treated as an organization which is not a private foundation until the expiration of your advance ruling period.

Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Internal Revenue Code, because you are an organization of the type described in section \*170(b)(1)(A)(vi). Your exempt status under section 501(c)(3) of the code is still in effect.

Grantors and contributors may rely on this determination until the Internal Revenue Service publishes notice to the contrary. However, a grantor or a contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act that resulted in your loss of section \*170(b)(1)(A)(vi) status, or acquired knowledge that the Internal Revenue Service had given notice that you would be removed from classification as a section \*170(b)(1)(A)(vi) organization.

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

*Michael Oldfield*  
District Director

\*509(a)(1) & 170(b)(1)(A)(vi)